

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR06-5201FDB
)	
Plaintiff,)	
)	ORDER OF CONTINUANCE
vs.)	OF TRIAL DATE
)	
MICHAEL KENT MUNCEY,)	
)	
Defendant.)	
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)	
)	

THIS MATTER having come on before the above-entitled Court upon the Motion of the Defendant, MICHAEL KENT MUNCEY, by and through his local counsel, ZENON PETER OLBERTZ, and counsel of record LARRY R. ROLOFF, for a continuance of the pre-trial conference which is presently scheduled for Friday, May 19, 2006 and the trial for Tuesday, May 30, 2006.

The Defendant requires additional time so that further work may be done so that witnesses may be located, interviewed and secured for testimony at trial; and that Defendant may complete trial preparation. The Government has filed no opposition or objection to the present Motion.

The Court finds, after a consideration of all relevant information and the circumstances of this case, that without this continuance the Defendant will be

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1 prejudiced and the ability to properly prepare for trial would be impaired. Failure to
 2 grant a continuance under these circumstances would result in a miscarriage of justice.
 3 The ends of justice would best be served by the granting of the Motion for Continuance.
 4 The ends of justice outweigh the best interests of the public and the Defendant in having
 5 the matter brought to trial sooner. For these reasons, the Court finds the Defendant's
 6 Motion for Continuance should be granted. The pretrial conference scheduled for May
 7 19, 2006 is VACATED. The trial scheduled for May 30, 2006 is VACATED. Trial
 8 shall be rescheduled to September 11, 2006, in Tacoma, Washington.

9 Any and all period of delay resulting from the granting of this continuance, from
 10 the current trial date of May 30, 2006, up to and including the new trial date of
 11 September 11, 2006, shall be excludable time pursuant to 18 U.S.C. § 316(h)(1)(F) and
 12 (h)(8)(A).

13 IT IS SO ORDERED this 17th day of May, 2006.

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18 THE HONORABLE FRANKLIN D. BURGESS

19 Presented by:

20 Larry R. Roloff, Attorney at Law
 21 132 East Broadway, Suite 233
 22 Eugene, Oregon 97401-3154
 23 Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2006, I electronically filed the foregoing Proposed Order of Continuance with the Court using the CM/ECF system which will send notification of such filing to the following:

Gregory Gruber
Assistant United States Attorney
1201 Pacific Avenue, Suite 700
Tacoma, WA 98402

I hereby certify that on May 17, 2006, I mailed the foregoing Proposed Order of Continuance to the following:

Michael K. Muncey

Larry R. Roloff
Attorney at Law
132 E. Broadway, Ste. 233
Eugene, Oregon 97401

DATED this 17th day of May, 2006.

/s/

Sarah M. Heckman
Legal Assistant